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FILED

AUG 30 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
LAM THANH NGUYEN,)
)
Defendant.)
)

No. CR 07-70337 PVT

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
AUGUST 30, 2007 TO Oct 2 2007
FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A))

On August 30, 2007 the parties appeared for a hearing before this Court. At that hearing, the parties jointly requested an exclusion of time under the Speedy Trial Act based upon continuing settlement negotiations and defense counsel's need to effectively prepare by reviewing discovery materials submitted by the government. At that time, the Court set the matter for a hearing on Oct 2 2007.

The parties stipulate that the time between August 30, 2007 and Oct 2 2007 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree

1 that the ends of justice served by granting the requested continuance outweigh the best interest of
2 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
3 U.S.C. §3161(h)(8)(A).
4

5 DATED: August 30, 2007

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10 MARY CONN
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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between August 30, 2007 and Oct 2 2007 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

8/30/07



HOWARD R. LLOYD
UNITED STATES DISTRICT JUDGE